

Reforms in the Judiciary and Anticorruption as Challenges in the Process of Approximation to the European Union



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#### Introduction

- 1. Creation of an efficient, independent and autonomous judiciary is one of the key priorities for instituting the principle of the rule of law as a foundation for a stable judicial system in the Republic of Macedonia.
- 2. The Republic of Macedonia is firmly determined to continue and intensify the reform processes in all spheres of social life towards improvement of the standard of living of its citizens with the aim of meeting the strategic goals for integration into the Euro-Atlantic structures.
- 3. Starting from the strategic commitments, the Republic of Macedonia is continuously implementing the reforms in its judicial system.
- 4. The strategy for reform of the judicial system adopted in 2004 set the foundations for achievement of progress in strengthening the independence, improving the efficiency as well as specialisation of the judiciary towards securing free and efficient access to justice and instituting the principle of rule of law as a foundation for a stable judicial system.

The processes of reform of the judiciary in the Republic of Macedonia in line with European criteria encompass:

1. Efficient, independent and autonomous judicial system (strengthening of independence and impartiality)

- 2. Transparency in the work and access to judicial information
- 3. Improvement of human resources
- 4. Judicial reforms in the interest of citizens
- 5. Development and strengthening of IT in the work of the judicial authorities
- 6. Advancement and development of a system for financing of the judiciary
- 7. Unrelenting fight against corruption and crime



# /

1. more than 70 laws prepared and proposed by the Ministry of Justice and adopted by the Parliament of the RM

- 2. 60 by-laws adopted
- 3. 7 new institutions established and functioning



- Judicial Council of the RM,
- Council of Public Prosecutors,
- Basic Prosecutor's Office for Prosecution of Organised Crime and Corruption,
- Administrative Court,
- Gostivar Appellate Court,
- Gostivar Higher Public Prosecutor's Office,
- Agency for Administration of Confiscated Property,
  Property Gain and Objects Seized in Criminal and
  Misdemeanor Proceedings

#### Goal of and needs for the reform process

- 1. Rule of law
- 2. Division of power into legislative, executive and judicial
- 3. Safeguarding of the independence of the judiciary and public prosecution
- 4. Improvement of the efficiency of the judicial system
- 5. Safeguarding free, efficient and equal access to justice
- 6. Protection of citizens' rights
- 7. Speedy and efficient action
- 8. Prevention of abuse and unconscientious action or corruption
- 9. Respect for the rules of professional ethics
- 10. Adoption of European standards in the area of justice







- 1. Law on Judicial Council,
  - bylaws / 7 /,
  - rulebook on criteria for assessment of the work of the judges,
- 2. Law on Courts,
  - bylaws / 13 /,
- 3. Court protocol,
- 4. Law on Judges' Remuneration,
- 5. Law on Changes and Supplements to the Law on Court Budget,
- 6. Law on Court Services,
- 7. Law on the Academy for Training of Judges and Public Prosecutors,
- 8. Law on Changes and Supplements to the Law on Execution,
- 9. Law on Mediation,
- 10. Law on Misdemeanors,
- 11. Law on Changes and Supplements to the Law on Litigation Proceedings.

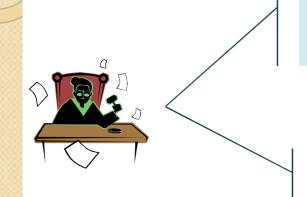


1. Law on Public Prosecution

2. Law on Council of Public Prosecutors of the Republic of Macedonia



1. Law on Changes and Supplements to the Law on the Legal Profession



1. Law on Changes and Supplements to the Law on the Notary Profession

Five bylaws adopted



- 1. Law on Changes and Supplements to the Law on the Judicial Council,
- 2. Law on Changes and Supplements to the Law on Courts,
- independence and full functionality of the judiciary / pinpointing the conditions for election and dismissal of judges /
- 3. Law on Changes and Supplements to the Law on Judges' Remuneration,
- high degree of efficiency, impartiality and accountability as well as economic independence of the judges.
- 4. Law on Remuneration of the members of the Judicial Council of the Republic of Macedonia,
- 5. Law on Changes and Supplements to the Law on the Academy for Training of Judges and Public Prosecutors,
- 6. Law on Changes and Supplements to the Law on Execution,
- 7. Law on Changes and Supplements to the Law on Mediation,



- 8. Law on Changes and Supplements to the Law on Misdemeanors.
- 9. Law on Changes and Supplements to the Law on Litigation Proceedings.
- speedier and more efficient litigation proceedings for a swift and efficient way of meeting rights.

  10. Law on Changes and Supplements to the Law on Public Prosecution.
  - harmonisation with the new LCP.
- 11. Law on Remuneration of the Members of the Council of Public Prosecutors of the Republic Macedonia.
- 12. Law on Remuneration of the Public Prosecutors.
- 13. Law on Changes and Supplements to the Law on the Legal Profession.
- 14. Law on Changes and Supplements to the Law on the Notary Profession.
- 15. Law on Free Legal Aid.
- 16. Law on Court Taxes.
- 17. Law on Management of the Flow of Cases in Courts.



- 18. Law on Expertise.
- 19. Law on Appraising Agents.
- 20. Law on Supervision.
- 21. Law on the Bar Examination.
- 22. Law on Changes and Supplements to the Law on Court Services.

The Strategy for Reform of Criminal Law was adopted in June 2007



#### **Draft Law on Changes and Supplements to the Criminal Code:**

Goal: improvement of the criminal legal framework and toughening of the penal policies

- 1. Confiscation of property and property gains
- 2. Criminal liability of legal entities
- 3. Economic criminal felonies
- 4. Computer crime acts
- 5. Anticipated new criminal acts in accordance with the ratified conventions
- 6. Approximation of the criminal legal system of the RM with the European standards which is a key prerequisite for the Euro-integrative processes of our country



#### **NEW LAW ON CRIMINAL PROCEEDINGS**

THE PUBLIC PROSECUTOR INITIATES AND IMPLEMENTS THE INVESTIGATION PROCEEDINGS



ESTABLISHMENT OF INVESTIGATION CENTRES AND JUDICIAL POLICE

#### LAW ON INTERNATIONAL LEGAL ASSISTANCE IN THE CRIMINAL MATTER

#### SOLIDARY AND TRANSNATIONAL COOPERATION IN FIGHTING CRIME



Precondition for successful future cooperation in the area of the judiciary EUROJUST

#### LAW ON CHANGES AND SUPPLEMENTS TO THE LAW ON EXECUTION OF SANCTIONS

#### IMPROVEMENT OF THE SANCTION EXECUTION PROCESS



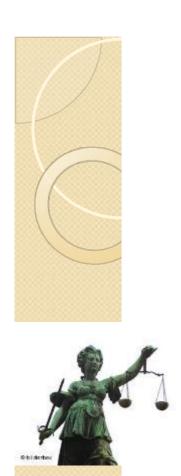


HARMONISATION WITH
INTERNATIONAL REGULATIONS AND
STANDARDS IN THE AREA OF HUMAN
RIGHTS STANDARDS

## Development and Improvement of Information Support

Goal: To establish and develop a contemporary and automated judiciary in the Republic of Macedonia towards improving the overall efficiency of the system, based on ICT solutions and systems in line with European and international standards

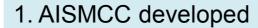




#### **Information development**

- 1. Improvement of the efficiency of the judiciary, introducing new methods of work, transparency and promptness of the judicial system.
- 2. Improvement of data security and protection.
- 3. Improvement of the security of IT and communication systems.
- 4. Defining and implementation of IT standards for "Backup and Restoring" of data with the highest priority importance.
  - 5. Support in the fight against corruption.
  - 6. Facilitation of access to public information, to the legislature, to the judicial practice and to other information.
  - 7. Decrease in the backlog and improvement of the management of the flow of court cases.





2. Displays installed and functional in judicial institutions

3. Web pages of judicial institutions created

4. Internet connection for all judges

5. IT protocol for assessment of judges created

6. Software for automatic distribution of cases

#### **RULEBOOK**

#### ON THE PROCEDURE AND CRITERIA FOR MONITORING AND ASSESSMENT OF THE WORK OF THE JUDGES

Monitoring and assessment of the work of the judges consists of:

- continuous observation and analysis of the work of the judges;
- 2. appraisal of the professional and moral qualities of the judges;
- 3. assessment of the organisational abilities of the judges.



In the assessment of the work of the judges the following will be taken into account:

- 1. overall results of the work of the judge;
  - 2. contribution in the protection of his/her rights and liberties;
- 3. contribution to the development of the professional thought and the legal system.

#### Protocol for the assessment of the work of a judge

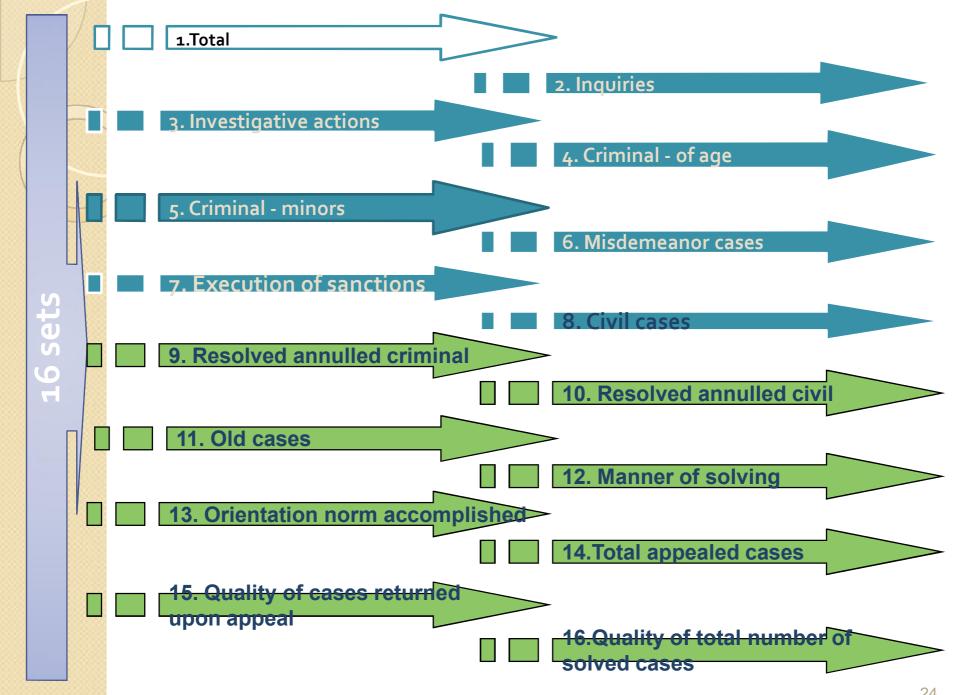
**Content of the Protocol** 

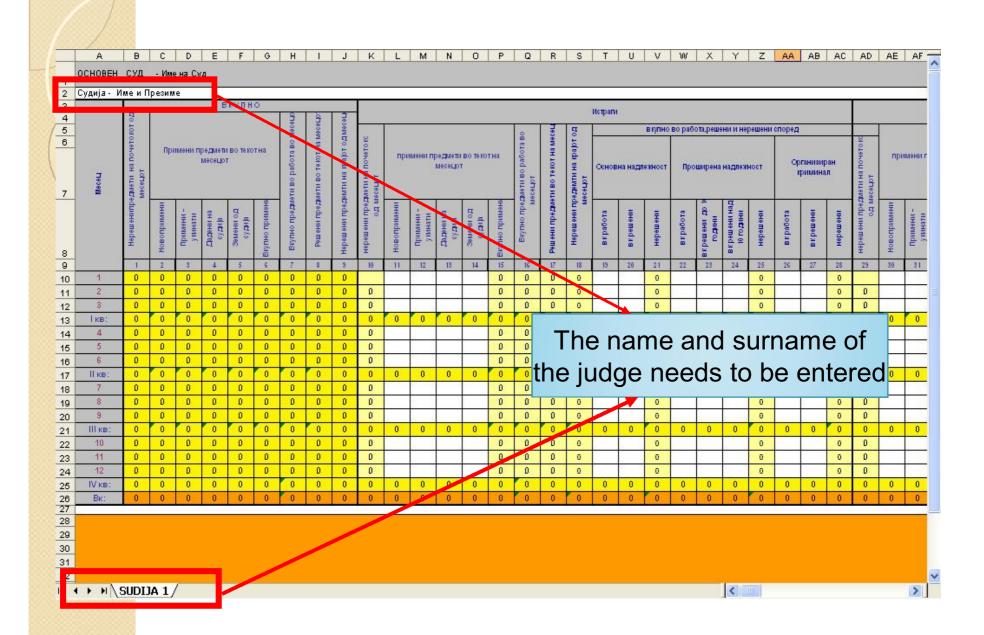
- 1. 16 sets,
- 2. 252 vertical columns,
- 3. 26 horizontal rows,
- 4. 4.596 formulae

Statistical data

Narrative report

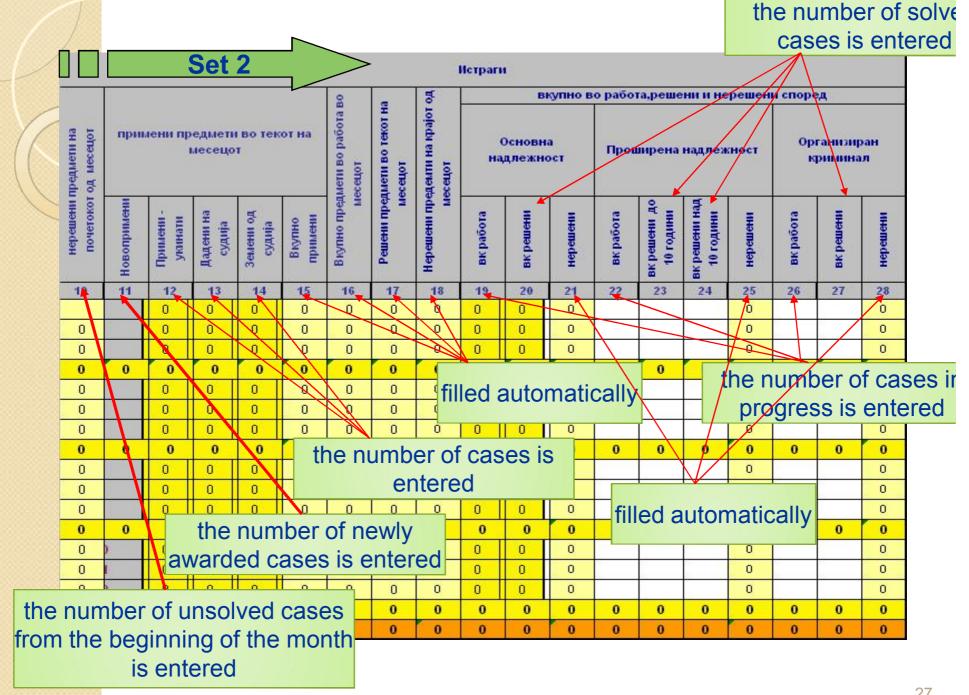
- 1. Report on the exceeding the legal deadline for scheduling a trial and preparation of a written court decision,
- 2. Mentoring, training, participation at workshops, articles published in professional reviews, participation in working groups for preparation or evaluation of legal acts and other out-of-court activities of the judge.



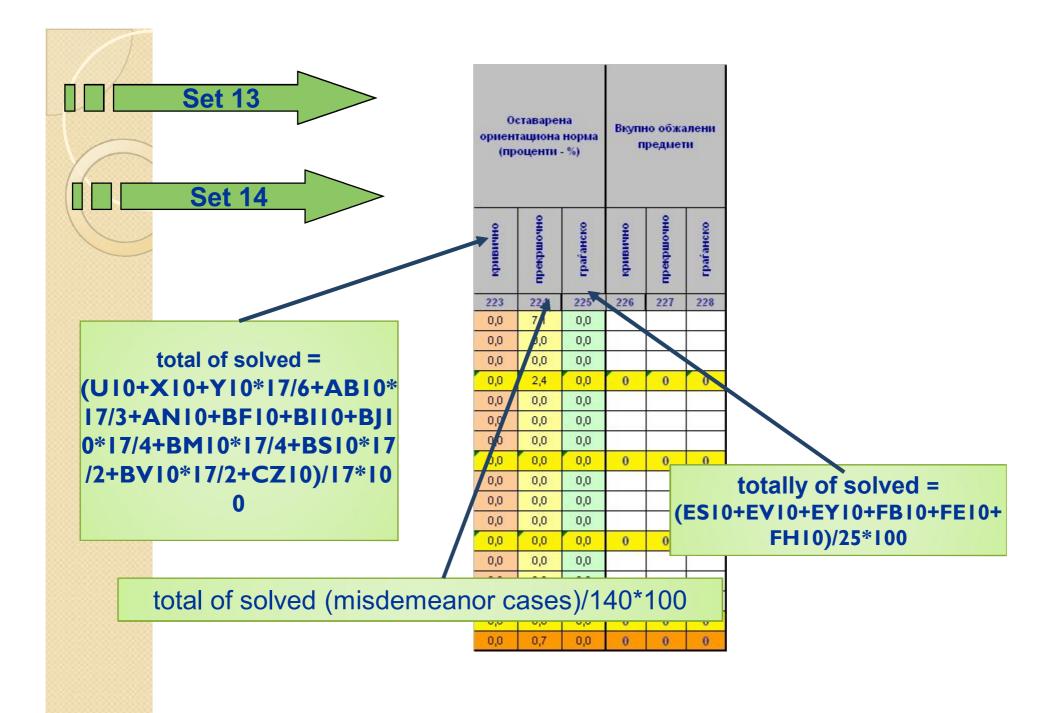


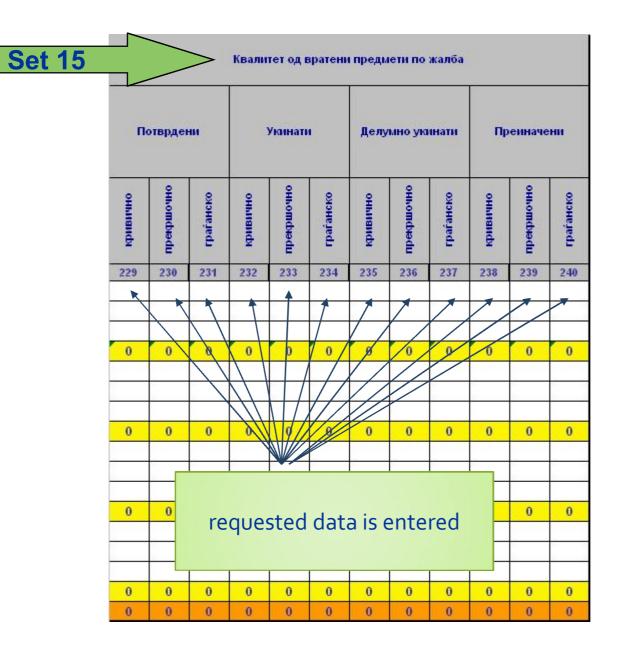
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### AISMCC

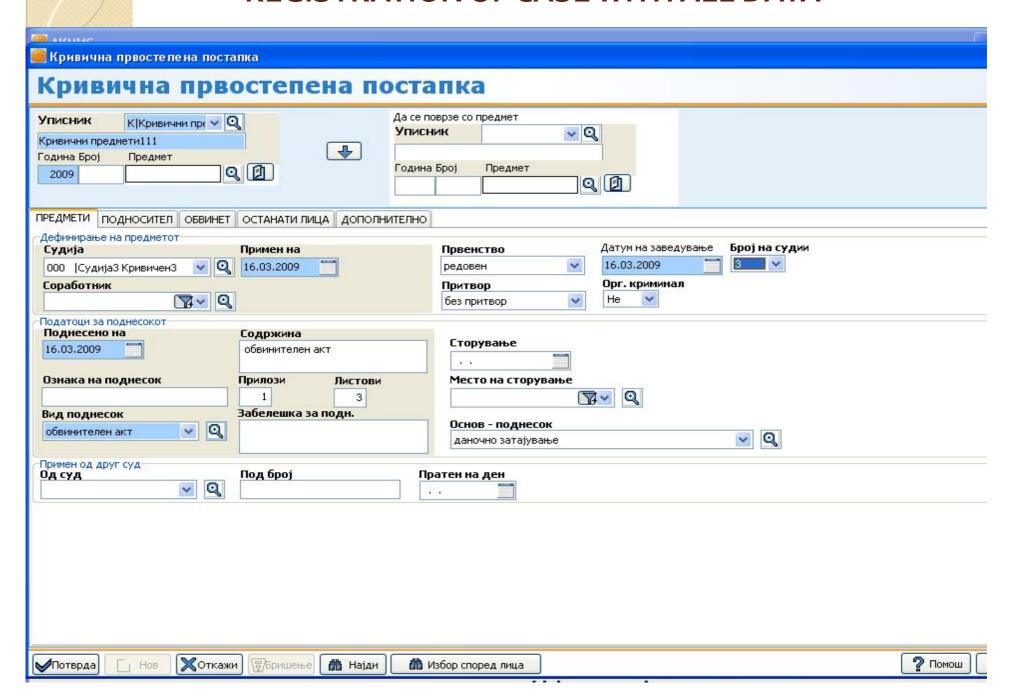
Automated Information System for Management of Court Cases

#### **COMPREHENSIVE SYSTEM**

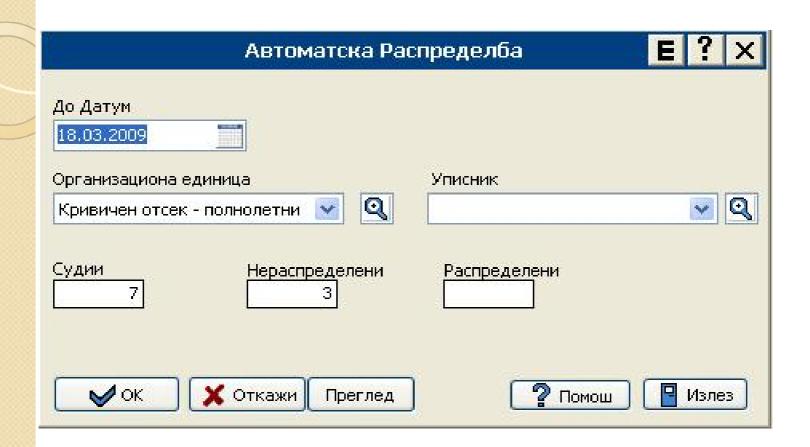
Covers all procedural actions in the course of managing court cases, such as:

- Registration of case with all necessary data
- Automatic distribution of cases
- Scheduling (calendar schedule, invitations)
- Hearing notes/protocols
- Preparation of decisions
- Verification of decisions
- Record of legal remedies
- Record of decisions on legal remedies
- Filing

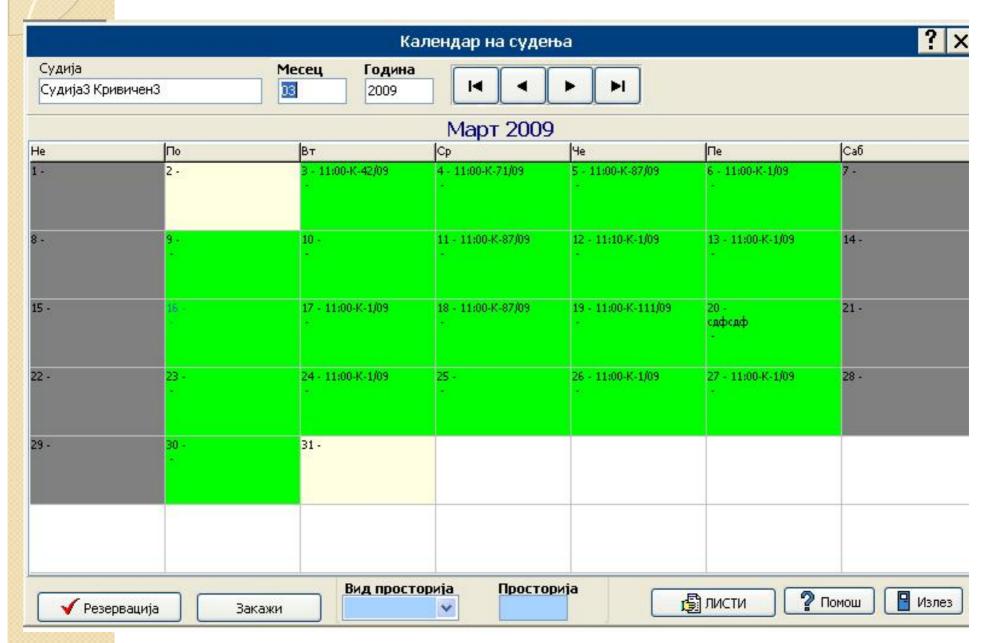
#### **REGISTRATION OF CASE WITH ALL DATA**



#### **AUTOMATIC DISTRIBUTION OF CASES**

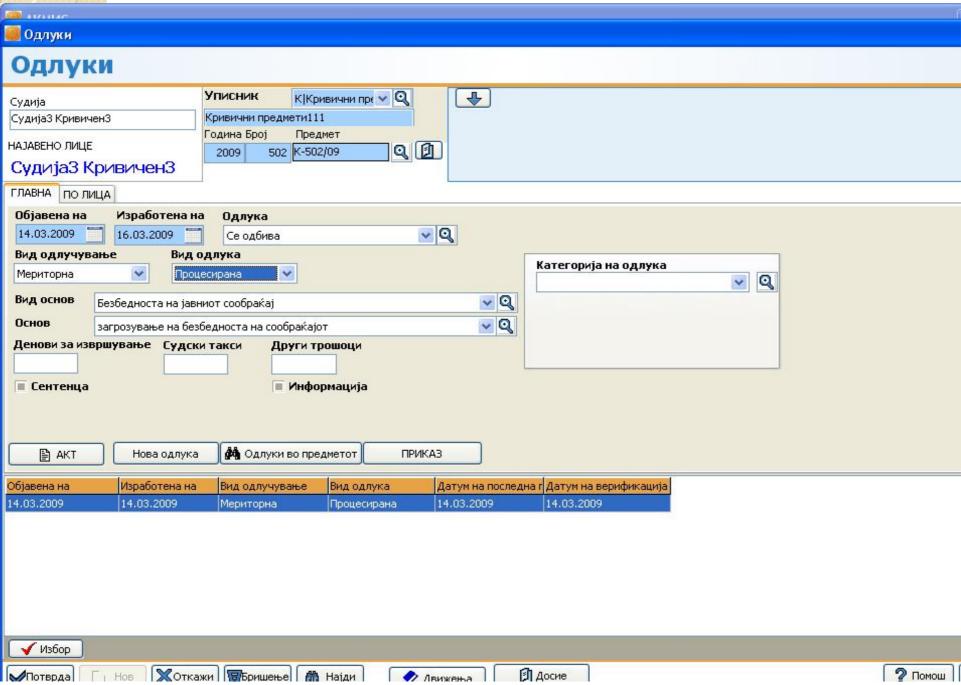


#### **SCHEDULING - CALENDAR**



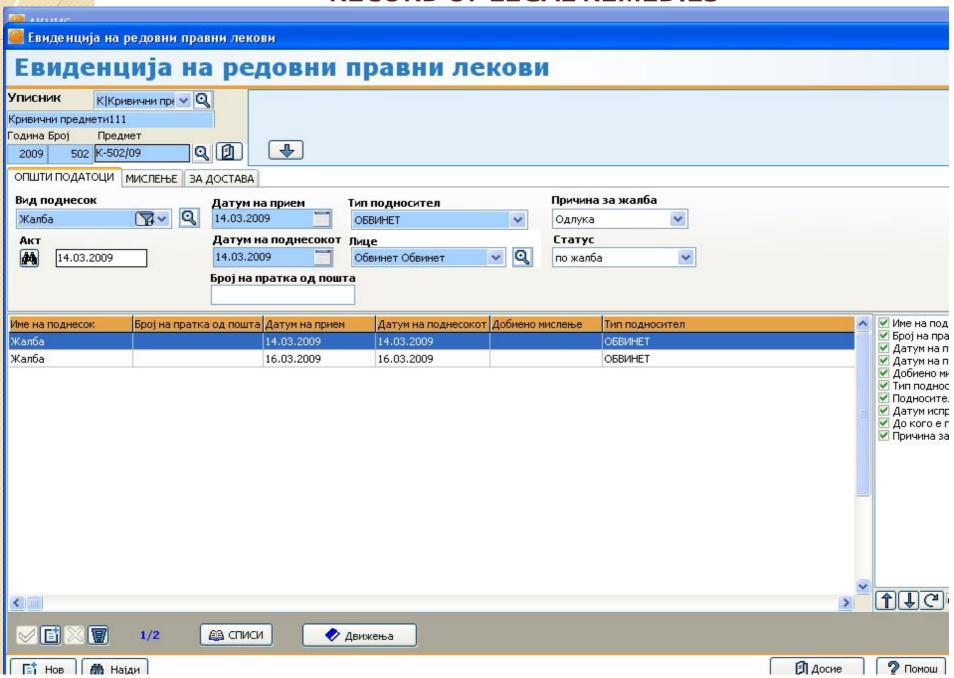


#### **SCHEDULING**

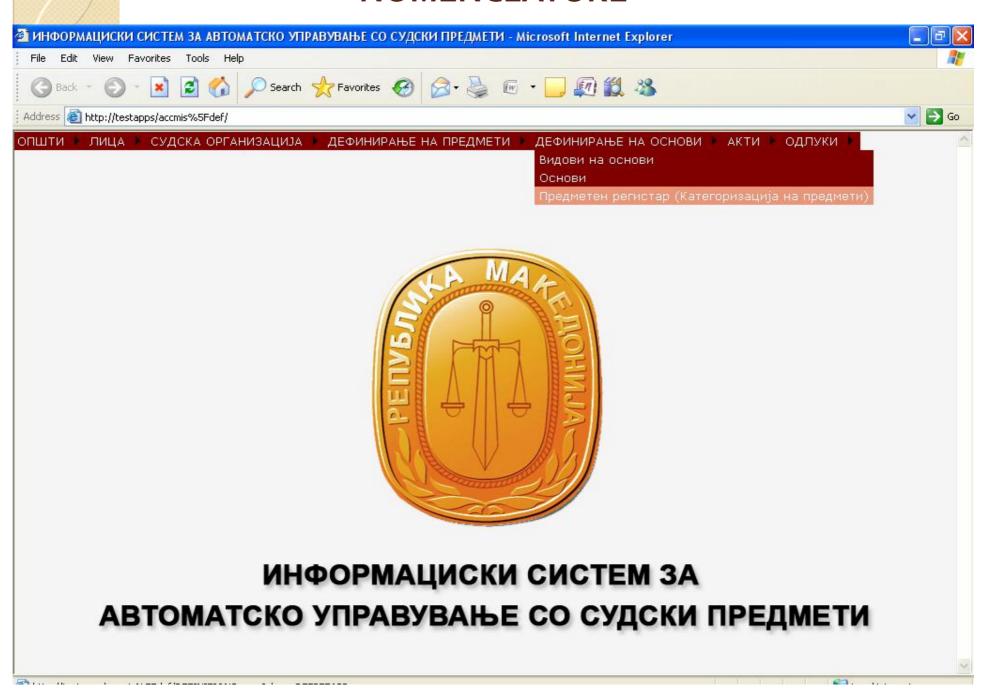




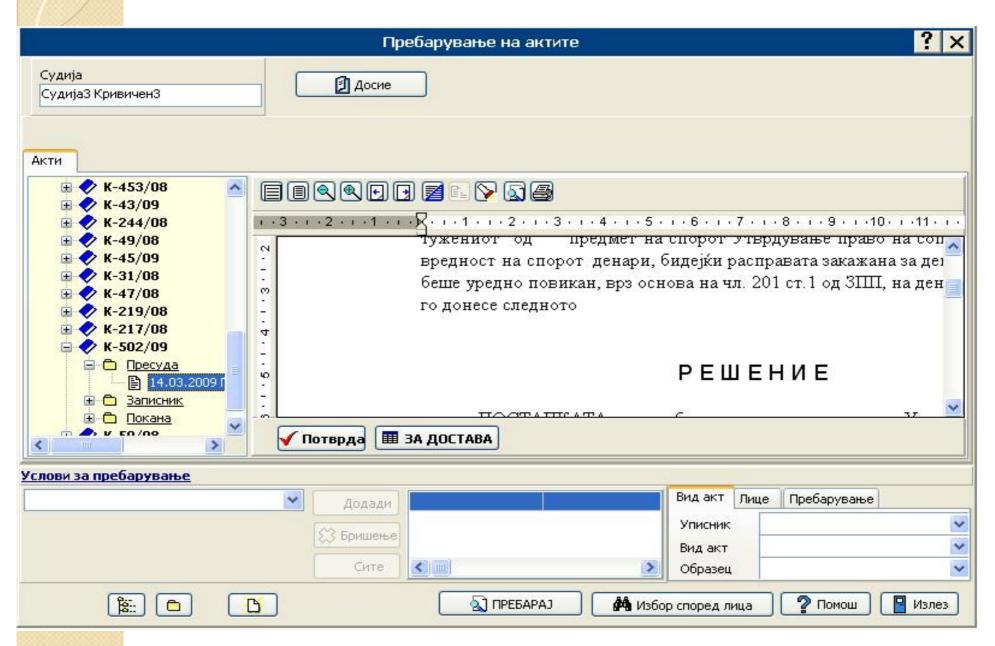
#### **RECORD OF LEGAL REMEDIES**



#### **NOMENCLATURE**



#### **FLEXIBLE**





- ✓ controlled use of the Internet
- ✓ Macedonian Cyrillic support installed
- ✓ printers, scanners and other local and network resources installed, configured and set for use
- ✓ AISMCC client programme installed
- ✓ AISMCC users set according to the role they have in the processing of a court case
- ✓ court has established a local computer infrastructural communication network (LAN) with sufficient capacity and quality to service all computers in the respective court

## JUDICIAL COUNCIL OF THE

СИСТЕМ ЗА ИНФОРМИРАЊЕ НА ГРАЃАНИ

#### THE REQUIRED INFORMATION ON THE COURT COUNCIL CAN BE OBTAINED IN THE FOLLOWING OFFICES

	Name	Surname	Job	Office number
1	Alen	Radenkovik	Junior filing clerk	1
2	Ana	Cicakovska	Associate analyst	3 - new wing
3	Angele	Sazdovski	Driver	1
4	Anita	Andonovska	State advisor for research and analysis	9 - new wing
5	Branka	Stojkovska	Technical secretary to the President	7
6	Vesna	Maksimoska	Senior accountant	5 – new wing
7	Vesna	Mihajlovska	State advisor for research and analysis	4 – new wing

#### **Organisational Setup**

**State Commission for Prevention of Corruption** 



- Law on Prevention of Corruption
- Law on Prevention of Conflict of Interests





## BИ БЛАГОДАРАМ